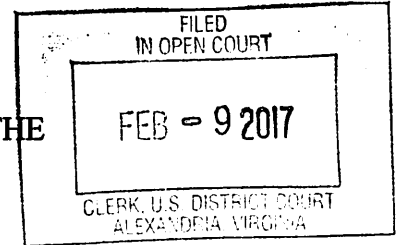


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

THOMAS JONATHAN TODD,

Defendant.

CRIMINAL NO. 1:17-CR-24

Ct. 1: 18 U.S.C. § 1951
(Hobbs Act Conspiracy)

Ct. 2: 18 U.S.C. §§ 1951 & 2
(Attempt to Commit
Hobbs Act Robbery)

Ct. 3: 18 U.S.C. § 924(c)(1)(A)(iii)
(Use and Discharge of a Firearm
During a Crime of Violence)

Ct. 4: 21 U.S.C. § 846
(Attempt to Possess with Intent to
Distribute Marijuana)

Ct. 5: 18 U.S.C. § 924(c)(1)(A)(iii)
(Use and Discharge of a Firearm
During a Drug Trafficking Crime)

Ct. 6: 18 U.S.C. § 922(g)(1)
(Possession of Firearm by Prohibited
Person)

Ct. 7: 18 U.S.C. § 922(g)(1)
(Possession of Ammunition by
Prohibited Person)

Ct. 8: 18 U.S.C. § 922(j)
(Possession of Stolen Firearm)

Forfeiture Notice

INDICTMENT

FEBRUARY 2017 TERM — at Alexandria, Virginia

THE GRAND JURY CHARGES THAT:

Count One

(Hobbs Act Conspiracy)

From on or about June 23, 2016, to on or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, THOMAS JONATHAN TODD (“TODD”), knowingly and unlawfully combined, conspired, confederated, and agreed together with Kelly Tobin to knowingly and unlawfully obstruct, delay, and affect commerce by robbery in violation of Title 18, United States Code, Section 1951.

Purpose, Manner, and Means of the Conspiracy

The purpose of the conspiracy was to obtain illegal drugs and other proceeds of illegal drug distribution by armed robbery of their owner “C.G.” The manner and means by which this conspiracy was carried out included the following:

1. It was part of the conspiracy that TODD and Tobin planned to rob C.G. of marijuana, a Schedule I controlled substance, and other proceeds at an apartment complex in Lorton, Virginia, in the Eastern District of Virginia.
2. It was further part of the conspiracy that Tobin used a cellular phone to contact C.G. and ask C.G. to travel to the apartment complex.

Overt Acts

In furtherance of the aforementioned conspiracy and to effect the objects thereof, TODD and Tobin performed the following overt acts in the Eastern District of Virginia and elsewhere:

3. On or about June 23, 2016, Tobin sent text messages to C.G. on Tobin’s phone asking if C.G. would sell a quarter-pound of marijuana to Tobin.

4. On or about June 23, 2016, TODD sent a text message to C.G. from Tobin's phone falsely stating that the marijuana sale would happen at or near the home of Tobin's parents and that C.G. should be prepared to meet Tobin's parents.

5. On or about June 23, 2016, Tobin sent a text message to C.G. on Tobin's phone telling C.G. to come to a building in the apartment complex in Lorton, Virginia, to sell the marijuana.

6. On or about June 24, 2016, Tobin and defendant TODD entered the basement of the building. TODD concealed himself behind a door. Tobin left to find C.G., the intended victim.

7. On or about June 24, 2016, Tobin led C.G. to the area where TODD was hiding.

8. On or about June 24, 2016, TODD emerged from behind the doorway in the basement of the building, brandished a firearm, and ordered C.G. to get down on the ground and to give TODD the marijuana.

9. On or about June 24, 2016, TODD discharged the firearm during and in relation to the attempted robbery.

(In violation of Title 18, United States Code, Section 1951)

Count Two

(Attempt to Commit Hobbs Act Robbery)

THE GRAND JURY CHARGES FURTHER THAT:

1. The allegations of Count 1 of this Indictment are realleged and incorporated herein as if fully set forth.
2. On or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, THOMAS JONATHAN TODD, did knowingly attempt to obstruct, delay, and affect commerce as that term is defined in Title 18 United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant did unlawfully attempt to take and obtain illegal drugs by armed robbery of "C.G.," against his will by means of actual and threatened force, violence, and fear of immediate and future injury to his person, while "C.G." was engaged in commercial activities that affect interstate commerce.

(In violation of Title 18, United States Code, Sections 1951 & 2)

Count Three

(Use and Discharge of a Firearm During a Crime of Violence)

THE GRAND JURY CHARGES FURTHER THAT:

On or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, THOMAS JONATHAN TODD, did knowingly and unlawfully use, carry, brandish, and discharge a firearm, to wit: a semiautomatic pistol capable of chambering and firing 9 mm ammunition, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the crimes charged in Counts One and Two of this Indictment, which descriptions of each said crimes of violence are realleged and incorporated by reference as if set forth in full herein.

(In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii))

Count Four

(Attempt to Possess with Intent to Distribute Marijuana)

THE GRAND JURY CHARGES FURTHER THAT:

On or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, THOMAS JONATHAN TODD, did knowingly and intentionally attempt to possess with intent to distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(In violation of Title 21, United States Code, Section 846)

Count Five

(Use and Discharge of a Firearm During a Drug Trafficking Crime)

THE GRAND JURY CHARGES FURTHER THAT:

On or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, THOMAS JONATHAN TODD, did knowingly and unlawfully use, carry, brandish, and discharge a firearm, to wit: a semiautomatic pistol capable of chambering and firing 9 mm ammunition, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, attempt to possess with intent to distribute marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in Count Four of this Indictment, which description of said drug trafficking crime is realleged and incorporated by reference as if set forth in full herein. (In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii))

Count Six

(Possession of Firearm by Prohibited Person)

THE GRAND JURY CHARGES FURTHER THAT:

On or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, THOMAS JONATHAN TODD, the defendant, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Grand Larceny, case number FE-2002-102552, in the Circuit Court of Fairfax County, did knowingly and unlawfully possess in and affecting interstate commerce a firearm, to wit: a semiautomatic pistol capable of chambering and firing 9 mm ammunition, such firearm having been previously shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Section 922(g)(1))

Count Seven

(Possession of Ammunition by Prohibited Person)

THE GRAND JURY CHARGES FURTHER THAT:

On or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, THOMAS JONATHAN TODD, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Grand Larceny, case number FE-2002-102552, in the Circuit Court of Fairfax County, did knowingly and unlawfully possess in and affecting interstate commerce ammunition, such ammunition having been previously shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Section 922(g)(1))

Count Eight

(Possession of Stolen Firearm)

THE GRAND JURY CHARGES FURTHER THAT:

On or about June 24, 2016, in Fairfax County, Virginia, in the Eastern District of Virginia, the defendant, THOMAS JONATHAN TODD, knowingly possessed a stolen firearm, to wit: a semi-automatic pistol capable of chambering and firing 9 mm ammunition, such firearm having been previously shipped and transported in interstate and foreign commerce, knowing or having reasonable cause to believe that the firearm was stolen.

(In violation of Title 18, United States Code, Section 922(j))

FORFEITURE NOTICE

THE GRAND JURY FURTHER FINDS:

There is probable cause that the property described in Counts 3, 5, 6, 7, and 8 of this Indictment is subject to forfeiture. Pursuant to Rule 32.2(a), the defendant is hereby notified that, if convicted of Counts 3, 5, 6, 7, or 8, he shall forfeit to the United States the firearm (Walther 9 millimeter semi-automatic pistol bearing serial number FAM2947) and ammunition described therein.

(In accordance with Title 18, United States Code, Section 924(d); Title 28, United States Code, Section 2461(c); and Rule 32.2(a), Federal Rules of Criminal Procedure)


A TRUE BILL:

Permanently to the Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON

Dana J. Boente
United States Attorney

By:


Ankush Khardori
Special Assistant United States Attorney

Carina Cuellar
Assistant United States Attorney